

Jeff Fine
Court Administrator
Maricopa County Justice Courts
222 N Central, Ste 210
Phoenix, AZ 85004

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	Supreme Court
)	No. R-18-0021
PETITION TO ADOPT RULES OF)	
SMALL CLAIMS PROCEDURE)	
AND MODIFY RULE 101(b),)	Response from Maricopa
JUSTICE COURT RULES OF)	County Justice Court
CIVIL PROCEDURE)	Administrator
_____)	

BACKGROUND

The Court Administrator of the Maricopa County Justice Courts hereby files his response to the above petition.

I.

CONSIDERATION OF ADOPTING FINAL RULES IS PREMATURE

Among justice courts in Arizona, those in Maricopa County receive the greatest number of small claims filings, by far. While encouraged by the potential benefit the Proposed Rules may yield, it is my recommendation that final adoption considerations be deferred until after a pilot program is conducted in Maricopa County given the unique nature of our caseload and significant change that the Rules present in areas of procedure, use and role of hearing officers, and resource requirements. In cooperation with the

Arizona Administrative Office of the Courts, representatives of Maricopa County Justice Court Administration and two courts are planning a pilot test scheduled to begin on April 16, 2018 in the Manistee and Hassayampa precincts. Those courts each handle over 500 small claims cases per year in addition to thousands of other filings.

Nearly all small claims cases in our organization are presided over by a volunteer group of 30+ hearing officers. The nature of the Proposed Rules will require that a hearing be scheduled and staffed for every individual small claim filed, a significant contrast to existing procedures that yield a hearing in approximately one of every five cases. In addition to a substantial increase in scheduled hearings, the scope of what our hearing officers will need to be trained on to manage in their dockets will also increase. Also expected to grow will be demand in terms of the number of hearing officers needed, clerk staffing and hearing room availability.

For the two pilot courts, Administration is anticipating hiring one temporary employee to assist one court. It is also anticipating requiring one hearing officer six days a month and two hearing officers two days a month. This also requires one hearing room six days a month and two hearing rooms two days a month in a building where hearing space is sparse.

These estimates require 40 hours of volunteer hearing officer per month per court. It is possible that planners have over- (or under-) estimated the amount of resources required, but that simply demonstrates that it may be best to pilot the Proposed Rules in the Arizona's largest county before considering permanent adoption.

CONCLUSION

Again, my office and others appreciate and support efforts to improve the Small Claims process. However, I must recommend that final consideration of the Proposed Rules be deferred until the pilot program in Maricopa County yields sufficient data. Such will allow my team and others to objectively and most effectively gauge results and resource needs, as well as recommend and make adjustments before tackling the sizeable task of permanent application in our large system of 26 courts.

RESPECTFULLY SUBMITTED, this 16 day of March 2018.

/s/ Jeff Fine
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